

# Notice of Allowability

Application No.

10/031,357

Examiner

Quang T Van

Applicant(s)

WINTHER ET AL.

Art Unit

3742

eh

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 1/24/2005.
2. ☒ The allowed claim(s) is/are 36-56 and 73-82.
3. ☒ The drawings filed on 17 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

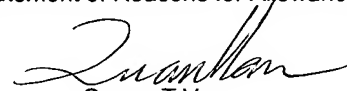
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Quang T Van  
Primary Examiner  
Art Unit: 3742

### **REASON FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: allowance of claims 36-56, 73-82 is indicated because the prior art of record does not show or suggest said solid support member includes a cartridge for a carrier or a cover plate for a carrier and comprising an electrically conducting material, said conducting material being in contact with a layer of heat conducting material, said heat conducting material is in contact with the specimen, and said method comprising a step of subjecting said solid support to an oscillating magnetic field as recited in claims 36-54, 73-74; the steps of placing the microscope slide in a cartridge comprising a chamber encompassed by a cartridge wall having an inner side, said cartridge comprising an electrically conducting material in the form of a solid piece of conducting material placed on the inner side of said cartridge wall and placing the cartridge in an induction coil and sending alternating current through said coil to generate a magnetic field as recited in claims 55-56; the step of employing a solid support member in combination with a carrier and an electromagnetic inductor, said inductor, comprising electrically conducting material on the surface facing the side of the carrier carrying the specimen, and generating a magnetic field with said electromagnetic inductor in the presence of the biological specimen as recited in claims 75-77; a solid member in combination with a carrier and an electromagnetic inductor for controlling the temperature of a specimen, said support member being a cartridge for the carrier support member for testing or treating a specimen of biological material, and said support member comprising electrically conducting material on the surface facing the side of the carrier carrying the specimen

and said electromagnetic inductor capable of generating an oscillating magnetic field to cause induction heating in the electrically conducting material of the support member as recited in claims 78-81; a solid member in combination with a carrier and an electromagnetic inductor for controlling the temperature of a specimen, said support member being a cover plate for a microscope slide support member for testing or treating a specimen of biological material, and said support member comprising electrically conducting material on the surface facing the side of the carrier carrying the specimen and said electromagnetic inductor capable of generating an oscillating magnetic field to cause induction heating in the electrically conducting material of the support member as recited in claim 82.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

March 16, 2005



Quang T Van  
Primary Examiner  
Art Unit 3742